

REMARKS

Claims 1-28 are pending in the application. In an Office Action mailed September 3, 2003, independent Claim 1, as well as certain dependent claims stemming therefrom, stands rejected under 35 U.S.C. § 102(a). Claims 2-4, 7, 12, 21, and 22 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully disagree and have amended Claim 1 above to clarify the invention.

Rejections under 35 U.S.C. § 102(a)

Claims 1, 8, 10, 16, and 17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,549,409, issued to Saxelby, Jr. et al. Applicants respectfully disagree.

It is a well-settled axiom of patent law that in order to anticipate a claim under 35 U.S.C. § 102, a reference must teach each and every element of the claim. A claim is anticipated only if each and every element, as set forth in the claim, is found either expressly or inherently described in a single prior art reference. *Verdegall Brothers vs. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).¹ Applicants respectfully submit that Saxelby, Jr. et al. fail to teach or suggest an energy conversion apparatus that includes a mount for securing an energy conversion circuit to at least a base, as now set forth in amended Claim 1.

As best seen by referring to Figure 5, Saxelby discloses a power converter assembly 200 that includes a heat-dissipating planar base plate 202 having an exposed lower surface 204. An internal surface 206 of the base plate 202 faces a bottom side 208 of a printed circuit board

¹ See also MPEP § 2131 at 2170 (citing *Richardson vs. Suzuki Motor Corp.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) ("the identical invention must be shown in as complete detail as contained in the . . . claim.").

assembly 210. Components 212, 226 of a power converter circuit are mounted on both sides of the circuit board.

Each of the components 226 is connected by leads to conductive traces (not shown) on the bottom side of the circuit board. A small clearance is provided between the outer surface 227 of components 226 and the internal face 206 of the base plate to permit easy assembly without damage to the components. Saxelby expressly teaches that because "components are relatively thin, the gap 230 between the bottom of the circuit board and the upper surface of the base plate can be relatively small." Col. 4, lines 23-25. Further, the "gap should be made as small as possible while satisfying requirements for electrical insulation with void-free encapsulation." Col. 4, lines 25-27. Finally, it is respectfully noted that each and every independent claim of Saxelby, Jr. et al. positively recites a "gap."

Thus, Saxelby, Jr. et al. disclose a power converter assembly that includes a mount for securing a circuit board *remotely* from the base, such that there is a gap 230 between the circuit board and the base plate. This is not the embodiment of amended Claim 1. In that regard, applicants respectfully submit that Saxelby, Jr. et al. fail to teach or suggest an energy conversion apparatus that includes a mount for securing an energy conversion circuit *to at least a base*, as now generally set forth in amended Claim 1. (emphasis added) In fact, Saxelby, Jr. et al. expressly teach away from the claimed embodiment of amended Claim 1. Accordingly, applicants respectfully submit that Claim 1 is not anticipated nor rendered obvious by Saxelby, Jr. et al.

Applicants respectfully submit that the dependent claims in the present application depend from Claim 1 and thus are allowable for the reasons discussed above. In addition, such dependent claims have further limitations that distinguish over Saxelby, Jr. et al., as well as the other cited references of record. As an example, regarding Claims 2, 4, 12, applicants

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

respectfully note that there is no teaching or suggestion within the references themselves or within the ordinary skill of one in the art to combine or otherwise find motivation to combine such references to render the forgoing claims obvious. Further, applicants note the Office Action has taken "Official Notice" with respect to several of the limitations set forth in the dependent claims of the present application, thereby rendering such claims obvious. Applicants disagree with the "Official Notice" and request that support be provided for each of the rejections set forth in the Office Action based on "Official Notice."

In view of the foregoing, applicants respectfully submit that the dependent claims of the present application should also now be found allowable.

CONCLUSION

In light of the foregoing amendment and remarks, applicants respectfully submit that the present application is now in condition for allowance. Applicants respectfully request entry of the amendment in reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned if there are any remaining issues.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



John D. Denkenberger
Registration No. 44,060
Direct Dial No. 206.695.1749

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100